State of California
AIR RESOURCES BOARD

Executive Order R-16-001

Regulatory Amendments Relating to the On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines Regulation

WHEREAS, on September 25, 2015 the Air Resources Board (ARB or Board) conducted a public hearing to consider proposed amendments to the regulations relating to the On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines, as set forth in Appendix A through C to the Initial Statement of Reasons, released to the public on August 4, 2015;

WHEREAS, the environmental analysis prepared under ARB's regulatory program certified under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)) in the Staff Report concluded that the amendments are exempt from CEQA under California Code of Regulations, title 14, section 15308 ("Class 8" exemption: Actions Taken by Regulatory Agencies for Protection of the Environment) because the record evidence shows that the amendments will result in air emission benefits and will not result in any significant adverse environmental impacts as described in Chapter III of the Staff Report;

WHEREAS, following the public hearing, the Board approved Resolution 15-44 in which it approved for adoption amendments to California Code of Regulations, title 13, sections 1900, 1968.2, and 1968.5, of title 13, California Code of Regulations, and Incorporated Documents, as set forth in Attachments A through D of that resolution;

WHEREAS, Resolution 15-44 directed the Executive Officer to make the modified regulatory language in Attachment D to that resolution and any additional conforming modifications deemed appropriate available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer was directed to consider written comments submitted during the public comment period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the regulation after addressing all appropriate modifications, or present the regulation to the Board for further consideration if warranted;

WHEREAS, the modified regulatory language and supporting documentation were circulated for a 15-day public comment period, with the changes to the originally proposed text clearly indicated, according to provisions of California Code of Regulations, title 1, section 44 and Government Code section 11340.85, from March 21, 2016 through April 6, 2016;

WHEREAS, a number of written comments were received during the 15-day comment period and those comments were considered by the Executive Officer;
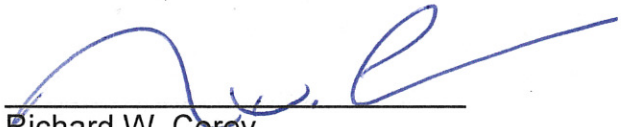
WHEREAS, based on substantial evidence in the record there is no possibility the modifications to the amendments made available for the 15 day public comment period after the Board hearing could affect the conclusion of the environmental analysis included in the Staff Report, so no additional environmental analysis was required and no additional comments raising significant environmental issues were received;

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 15-44 are incorporated herein.

IT IS FURTHER ORDERED that sections 1900, 1956.8, 1968.2, 1968.5, 1971.1, 1971.5, and 2485, of title 13, California Code of Regulations, and sections 95302, and 95662, of title 17, California Code of Regulations, and Incorporated Documents are adopted as set forth in Attachments 1 through 3 to this Order.

IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 9th day of June 2016, at Sacramento, California.

Richard W. Corey
Executive Officer

Attachments

FILED

JUN 1 0 2016

Resources Agency of California